

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA AT ANCHORAGE

JOANNE CHITWOOD,

Plaintiffs,

v.

JOHN EDMUND BACON, and  
KATHERINE BACON,

Defendants.

Case No. 3:20-cv-\_\_\_\_ - \_\_\_\_

**COMPLAINT**

COMES NOW, Ms. JoAnne Chitwood (Plaintiff), by and through her attorneys, The Law Offices of Richard L. Harren, P.C., and, alleges that Mr./Ms. Bacon (Defendants) were:

1. Negligent in not having inspected their walkways for potholes;
2. If they inspected and were aware of the pothole, they were negligent in:
  - a. Not having repaired the pothole; or,
  - b. Not having blockaded the area and/or warned visitors and guests about the pothole.

**STATEMENT OF FACTS**

1. Plaintiff JoAnne Chitwood is currently a resident of Tennessee. Plaintiff was a resident of the State of Alaska, Third Judicial District at all times relevant to this case.
2. Defendants, John E. Bacon and Katherine Bacon, have been and are a resident of the State of Alaska, Third Judicial District in all times relevant to this case.
3. This case involves a claim that exceeds \$75,000.

4. Per 28 U.S.C. § 1332(a), this case meets the statutory requirement of diversity jurisdiction.<sup>1</sup>

5. Defendants have owned and own a property at 5355 Amber Dr, Palmer, AK 99645 at all times relevant to this case.

6. Plaintiff was a hospice clinical supervisor, working for Matsu Regional Medical Center in 2018.

7. On June 18, 2018, Plaintiff, around 1:30 pm, visited the residence of Defendants in order to assess the eligibility of Mr. John Bacon for hospice service, at the address “5355 Amber Drive, Palmer, AK 99645”.

8. Around 1:55 pm of the same day, Plaintiff finished the assessment and was walking back to her car, which was parked at the premises of Defendants.

9. On the premises of Defendants, there was a pothole that Plaintiff was not aware of, and Plaintiff stepped into the pothole, causing her to fall awkwardly.

10. After the fall, Plaintiff called Defendants for help, and Defendants called 911 for Plaintiff, brought a blanket for Plaintiff as it rained lightly.

11. As a result of the fall, Plaintiff’s left ankle was fractured and left knee was injured.

12. As a result of the injuries, Plaintiff needed life-altering surgeries: 1) On her left ankle on 6/26/2018; and, 2) A total knee replacement surgery on 12/11/2018.

13. Defendants knew of the existence of the pothole, but did not warn Plaintiff about it, and thus Plaintiff did not know about the danger of the pothole.

14. The pothole wherein Plaintiff fell was negligently allowed to remain there.

---

<sup>1</sup> See [https://www.law.cornell.edu/wex/diversity\\_jurisdiction](https://www.law.cornell.edu/wex/diversity_jurisdiction) .

15. Defendants were negligent in their maintenance of the driveway.

DAMAGES

16. As a result of the Defendants' negligence, Plaintiff slipped, fell and suffered the aforementioned injuries.

17. Plaintiff has incurred medical costs relating to the injuries.

18. Plaintiff will have future medical expenses as a result of the injuries.

19. Plaintiff has significantly restricted her activities as a result of her injuries.

20. Plaintiff has suffered non—economic losses including permanent impairment, loss of enjoyment of life, mental and physical pain and anguish, and inconvenience.

21. Plaintiff has lost past non-market services and part of her ability to provide them in the future.

22. Plaintiff has lost earnings and job opportunities as a result of the injuries.

23. Plaintiff has suffered a loss of earning capacity as a result of the injuries that she has suffered in the fall.

CONCLUSION

**WHEREFORE**, Plaintiff prays for relief as follows:

1. For damages in the amount of \$609,777, with the full amount to be established at trial;
2. For costs, interests and attorney's fees related to that recovery; and
3. For such other and further relief as the court deems appropriate in a jury trial.

RESPECTFULLY SUBMITTED this 1st day of June, 2020.

LAW OFFICES OF RICHARD L. HARREN, P.C.  
Attorney for Plaintiffs

By 

H. Lee, ABA No. 1805036